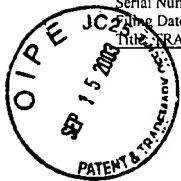


RECEIVED
SEP 28 2003



REMARKS TECHNOLOGY CENTER R9700

This responds to the Office Action mailed on June 30, 2003. Claims 15 and 19 are amended. Claim 22 is canceled. Claims 25-35 are added. As a result, claims 15 – 21 and 23 - 35 are now pending in this patent application.

Affirmation of Election

This confirms Applicant's provisional election, by Applicant's representative, Suneel Arora, on June 25, 2003, to prosecute Species I, (i.e., Figure 3), which he believes to be claims 15-20 and 22 which are readable on the elected species. Claims 21 and 23 – 24 were withdrawn by the Examiner as being directed toward a non-elected species. Applicant reserves the right to reintroduce these claims in the present patent application, should a generic or linking claim be allowable, or to reintroduce these claims in one or more subsequent continuation or divisional patent applications.

§102 Rejection of the Claims

Claims 15-20 and 22 were rejected under 35 U.S.C. § 102(b) for anticipation by Ferrara (U.S. Patent No. 4,809,694). Applicant respectfully traverses. Applicant can find no disclosure in Ferrara of reducing an effective area of the material around the instrument by self-relaxing the material to immobilize the instrument with respect to the material, as presently recited or incorporated in these claims. Instead, Ferrara apparently actively deforms a spherical member using a thumbscrew. (See Ferrara at column 5, lines 10-14.) By contrast, the present claims 15-20 and 22 represent a clinically significant user-friendly embodiment using self-relaxation to immobilize the instrument. (See Application at page 18, lines 12 – 16.) Accordingly, Applicant respectfully requests withdrawal of this basis of rejection.

New Claims

Applicant has added new claims 25 – 35 to more particularly point out and distinctly claim certain subject matter. Applicant respectfully submits that these claims are fully supported by the present specification, are fully consonant with the present species election, and are

RECEIVED

Page 7
Dkt: 723.018US1

SEP 22 2003

TECHNOLOGY CENTER

allowable over the prior art of record. Accordingly, Applicant respectfully requests allowance of these new claims 25 – 35.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6951) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

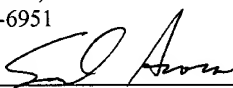
Respectfully submitted,

KARI PARMER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
612-373-6951

Date Sept. 12, 2003

By 
Suneel Arora
Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 12th day of September, 2003.

PATRICIA A. HULTMAN

Name



Signature